



100 Years of Excellence in Legal Education

UK College of Law
1908-2008



Dean

Louise E. Graham

Communications Director and Editor

Heather N. Russell

Assistant Editor

Amanda DeBord

Design

Serif Group

Photography

Lee P. Thomas Photography
Heather N. Russell
University Archives and Records Program

Contributing Writers

Todd Allen
Dane Bowles
Sarah Glassmeyer
Whitley Herndon
Ryan Mullen

Printing

Wendling Printing

About this issue

Law Notes is published for the alumni, students, faculty and friends of the University of Kentucky College of Law.

In honor of our centennial, Law Notes will focus on current stories of the College while looking back on the legends and lore of our past. We invite you to send in memories of your days as a student for inclusion in upcoming alumni publications.

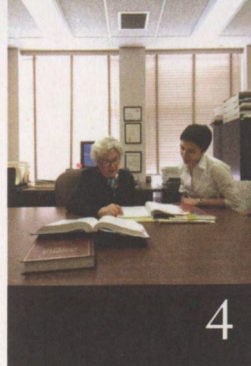
Direct correspondence and images to:
Law Notes
c/o Heather N. Russell
UK College of Law
209 Law Building
Lexington KY 40506-0048
heather.russell@uky.edu

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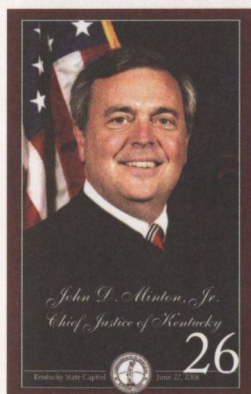
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message from the dean



After thirty years in the classroom, I'm both honored and more than a little amazed to find myself serving as Interim Dean of the College of Law. I am extremely lucky to be following a year in which my good friend Carolyn Bratt served as Executive Associate Dean and, as she has for many years, paved the way for me and made my task easier. I also have the help of an excellent faculty and staff. Their talent and energy will carry us far.

I know I will miss working with first year Contracts students, but that loss will be offset by the opportunity to reconnect with former students, other graduates and friends of the College of Law all over the Commonwealth. I hope that those former students know that they, along with our faculty and current students, are the heart of this institution. What has made my years in teaching so worthwhile has been watching students grow into seasoned professionals and leaders of this Commonwealth.

I want to remind our graduates that this law school belongs to all of you. Many of you look back on that period of your life fondly. Even if you never learned to love the Uniform Commercial Code or the Restatement (Second) of Contracts, we hope that the experiences that you had at the College of Law were invaluable to your training. I know that the friendships you made as students were very important to you and I hope that those personal connections have lasted throughout your career.

This year marks the centennial anniversary of the College of Law. As we celebrate our 100th birthday, we enter a challenging period. This year we are undertaking a national search for a new dean to follow Allan

Vestal, who is stepping down after eight years. We all want to continue Allan's work toward the new Law Quad. At the same time, we are considering curricular changes proposed by our accrediting bodies, the ABA and the AALS. The new national emphasis on professional skills development and outcome assessment will have a significant impact on legal education of the future. We continue to work toward our goal of constructing a new law school, one that will serve us well for the next 100 years.

All of these challenges cannot be met without your help and your interest. It is my hope that you will come back to the school to visit, that you will be available to talk to us about the school's future and that you will remain as engaged and invested in the College of Law's future as our alumni have always been. Our graduates are the foundation of our success and the most important measure of our contribution to the Commonwealth.

I've always said to my first year students that they have "E.T. privileges," that is, they can "phone home" when they are confronted with an issue that is just a little puzzling to them. I hope now that all of you will do something similar. I hope that you will resolve to be an active alumnus. Join the Alumni Association. Come by the school and talk with us about the direction that we will be taking. Meet our current students and encourage them as they become new professionals. In short, give us the benefit of your active engagement with the school.

Each of you can contribute in many ways to creating a truly great College of Law. When the new law school is built and the doors open, I would like for all of us to feel that the school belongs to a wide community of graduates, each of whom has contributed in some way not only to the building, but to the life of the law school through connection and participation. In that way our second 100 years will be as exciting and successful and the first 100 years have been.

I look forward to seeing you very soon.

Louise Graham

UK Law welcomes a familiar face as the first female dean



Courtesy of Louise Graham

"We make our very best efforts when we work as a community to achieve our goals."

Louise E. Graham
*Interim Dean
UK College of Law*

Thirty years after arriving at the UK College of Law, Louise Everett Graham, Wendall H. Ford Professor of Law, has become the Interim Dean and the first woman to lead the College in that role.

A native of Beeville, Texas, Dean Graham attended the University of Texas and majored in Latin American Studies. "I wanted to be a principal," said Graham. "But I was told I could not be a principal because I did not coach football." Graham then decided on graduate school to study English. "I was told I would never get a job as an English professor because only men were hired to teach English in college." Graham's third career choice turned out to be the right one. "My other choices were limited, so I went into law school." A Coif graduate of the University of Texas School of Law, Graham served on the *Texas Law Review*.

After serving as a law clerk to Judge Homer Thornberry of the United States Court of Appeals for the Fifth Circuit, Graham began

looking for a position teaching law. "Judge Thornberry was a wonderful mentor, and Texas had a lot of great law firms, but I knew I wanted to teach," said Graham.

"My interview for UK was in St. Louis," said Graham. "It was at 5:30 in the evening, and I had to walk up fifteen flights of stairs. Biff Campbell, Bob Schwemm, Willburt Hamm and W.L. Matthews were there to interview me. I was the only woman in the room." Graham came to visit the College in the winter when schools were closed due to snow. "Carolyn Bratt had her son in her office and I thought, 'I can be a single parent here. If she can bring her child in on a snow day, I can do it, too.'"

When Graham met with then Dean Thomas P. Lewis to discuss her first semester teaching at UK, she had no idea her future would be in family law issues or that she would one day publish the second edition of *Kentucky Domestic Relations Law*, a treatise on Kentucky family law. "As a law student, my interests were

Commercial Law and Contracts," said Graham. "Dean Lewis assigned me to teach Family Law."

Graham discovered that there were many important monetary consequences to marriage. "If child support is not adequate to maintain a child's pre-divorce activities or a homemaker gets a smaller share of the assets at the dissolution of a marriage, what does that say about our true values?" she asked. "We can talk about family values, but where the money goes tells us where the real values lie," she said.

Graham enters the role of Dean during an exciting time for the College ... our Centennial Celebration. She sees the Centennial Celebration as a time to reflect on the individuals who have graduated over the past 100 years. One of her goals as Dean is to foster the relationship between alumni and the College. "I'm looking forward to seeing all the students I've taught, catching up with them and helping them feel connected to the College of Law."

Another goal for Graham is to work with faculty, students and alumni to ensure the College curriculum reflects the forward thinking trends on legal education fostered by the American Bar Association. "The ABA has a new focus on professional skills development. They are also asking us to reconsider the way in which we evaluate our teaching. The new trend is to look at outcome-based evaluation. We will be working this year to determine what all these changes mean for legal education and for our school," said Graham.

The Centennial Campaign provides an opportunity for Graham to share her philosophy on efforts to build the new Law Quad. "Together we can build this Law Quad," she said. Graham emphasizes the importance of community effort in building the College's new home. "Every person who has gone to school here can make some kind of contribution. Then, every graduate can walk into the new Law Quad with a sense of pride and ownership."

While excited to serve the College as Interim Dean this academic year, Graham looks forward to returning to the classroom. "I hope to have a few more years of pestering students," she joked. After that, she's quite serious about serving as Chief Baby Sitter for her grandson, Graham Everett Pozaric, now eighteen months old. •

*Courtesy of the University Archives
and Records Program, Special
Collections and Digital Programs,
University of Kentucky Libraries*

W. T. Lafferty

The inaugural deanship of Judge Lafferty was the culmination of a lifetime of service to the state of Kentucky.

William T. Lafferty was born in Harrison County, Kentucky in 1856. He received his education at the University of Kentucky, then known as Kentucky Agricultural and Mechanical College. He studied law privately and was admitted to the Cynthiana Bar in 1879.

In 1882, Lafferty was elected County Attorney, a position he left in 1886 to become County Judge. As County Judge, he was responsible for county finances and improved the infrastructure of Harrison County while decreasing the county debt and without increasing taxes. He retired from public office in 1893 to concentrate on his law practice and temperance causes. At the turn of the

century, he served a term in the state legislature.

In 1904 Lafferty was appointed to the Board of Trustees for the State College of Kentucky. In this capacity, he relied upon his state legislature experience and drafted the bill that created the University of Kentucky and convinced Transylvania University to relinquish the name "Kentucky University". In 1908, he founded the College of Law and served as its first dean while also acting as University Comptroller.

After one year, Lafferty created a three year curriculum and had the school admitted to the American Association of Law Schools, becoming the second law school in the South to achieve this honor. Lafferty remained dean of the law school until his death in 1922. —Sarah Glassmeyer

After eight years, Dean Vestal returns to the classroom

Allan W. Vestal served as Dean of the UK College of Law for 8 years, from 2000-08. Looking back, he quickly recalls three factors that brought him to the leadership role here in Lexington. "The opportunity to interact with collegial faculty, first rate students and outstanding alumni."

Vestal received his BA and JD from Yale University. After practicing law in Wisconsin and Iowa, he joined the faculty at Washington & Lee University School of Law where he taught in the areas of partnership and corporation law, commercial law and real estate.

He saw Kentucky as a place where the University and College could make a difference in the Commonwealth. His early days were made easier by the presence of two former deans who returned to the faculty. Rutheford B. Campbell, Jr. '69, served as dean from 1988 to 1993. Robert G. Lawson '63, served the College as dean twice, 1971 to 1973 and 1982 to 1988. Vestal credits both former deans as having been incredibly helpful in his transition to Kentucky and the College of Law, "Bob and Biff set the standard for how former deans can be helpful; I hope to follow their example." He also credits the College of Law staff, "The dedicated staff was another help to me. The College is fortunate to have extremely pleasant staff working each day. They are indispensable," said Vestal.

One of Vestal's legacies is the addition of new faculty under his tenure. "When I came to UK, there had been a period of five to six years when no entry level faculty had been

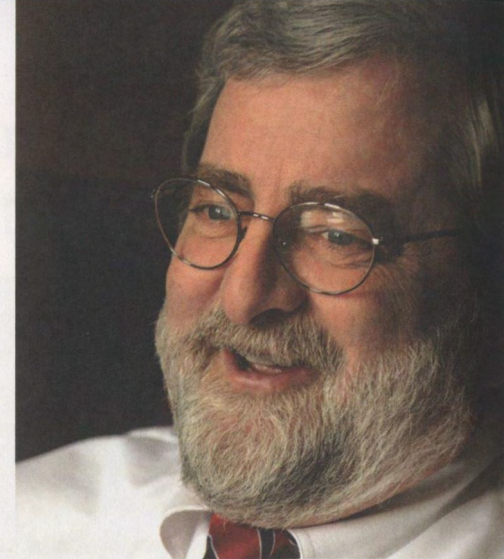
hired," said Vestal. In Vestal's eight years, the College of Law recruited ten new faculty members. He's most proud of the balance among new faculty. "As a group they represent different ideological viewpoints and teaching styles, yet they celebrate each other's successes."

During Vestal's eight years as dean, Senator Mitch McConnell '67 secured federal financing for a variety of projects, including the Rural Drug Prosecution Assistance Program (RDPAP) and the Senator Mitch McConnell Center for Distance Learning. "The Senator's support has been important to our success in these areas," said Vestal.

These grants, including RDPAP, have placed students in rural areas of the Commonwealth. Students are given jobs in the legal system and have the opportunity to begin paying off student loans. Students are also given the chance to return to their hometowns and make a difference in their communities.

"A series of federal grants allowed us to renovate classrooms and provide state-of-the-art technology throughout the building," said Vestal. Technological advancements and new classroom configurations in the current building proved useful as decisions were made about the new Law Quad. "The renovations are a bridge from where we were to where we are going."

With The Centennial Campaign underway to raise funds for the new Law Quad, Vestal notes two distinct points that stand out. "Across the Commonwealth and beyond, our graduates have given generously



to the Campaign. Judge William Cooper gave a million dollar gift. Recent grads have made five year pledges. A small law firm came together with the funds to name a large classroom in the new Law Quad. Each of these gifts illustrate a surprising and encouraging level of graduate commitment," said Vestal. The second point for Vestal is the architectural work. Hiring Robert A.M. Stern (RAMSA) out of New York was a positive decision resulting in a design that fit the College's future. "Their design is exactly what we need," he said.

When thinking of the new Law Quad, Vestal says he would like to see the building assist the interaction of students and faculty. "Informal teaching takes place now *despite* the building; we've designed the new law quad to *facilitate* such informal learning."

During the 2008-2009 academic year, Vestal will be on sabbatical. He then will assume a full teaching assignment. He has missed teaching and is looking forward to being back in the classroom full time. "There is something special about the moment when something difficult clicks for the students. It's fun to be a part of how much they learn over the course of a semester."

We wish Professor Vestal the best upon his return to the classroom and thank him for his years of leadership in administration. •

Kentucky Bar Foundation Awards Grant



The Kentucky Bar Foundation awarded UK Law with a grant to run the Kentucky Legal Education Opportunities (KLEO) summer program. It was the largest grant ever given by the foundation.

Each of Kentucky's three law schools select five individuals from its incoming class to participate in KLEO who receive scholarships predicated on their academic achievement. One of the most innovative parts of the educational component of the KLEO program is the pairings of each of the fifteen students with a local practitioner or judge to accompany the mentor to work for a day.

Professor Receives Citizen Lawyer Award



Allison Connelly, associate professor of law and director of the UK Legal Clinic, was recognized by the Fayette County Bar Association with the Citizen Lawyer Award. The award, presented at the

annual Law Day celebration, recognizes a member of the Bar whose involvement in civic, governmental, charitable or community activities has demonstrated a sincere desire to maintain and improve the administration of justice, the quality of the legal practice and the quality of life for all residents of Fayette County.

High Court Live on College Web Site

Kentuckians across the Commonwealth can now watch courtroom arguments from the comfort of their homes, and not just "Law & Order" reruns. Through a unique partnership with the Kentucky Supreme Court, oral arguments before the court are now being streamed live on the University of Kentucky College of Law Web site: www.uky.edu/Law/news/07_10_23_KYSupremeLIVE.html.

Oral arguments online offers the general public, students and media easy access to the oral arguments being presented to the Supreme Court, to see how the Supreme Court of Kentucky works and to bring a more open court system to Kentucky.

Prof. Fortune Receives the Spain Award



Professor William Fortune receives the Thomas B. Spain Award at the 2008 KBA Annual Convention from Jane Winkler Dyche, KBA President, 2007-2008 and Olu A. Stevens, Stoll Keenon Ogden, KBA CLE Commission member and former recipient of the Spain Award.

by the numbers

TUITION FEES

1978 Fall Tuition

Resident: \$353

Non-resident: \$935

1988 Fall Tuition

Resident: \$1,000

Non-resident: \$3,360

1998 Fall Tuition

Resident: \$2,713

Non-resident: \$7,018

2008 Fall Tuition

Resident: \$14,392

Non-resident: \$26,270

BAR FEES

1915: application fee for bar exam was \$10

2008: application fee for bar exam is \$625

The founding

In September 1908, with only two blackboards, a few textbooks and a copy of the Kentucky Code and Statutes, the University of Kentucky College of Law began training its first 28 students.

Under the leadership of the College's first dean, William T. Lafferty, the UK College of Law was on the cutting edge of legal education—offering a holistic legal curriculum that prepared young attorneys for the practice of law.



Rave reviews for

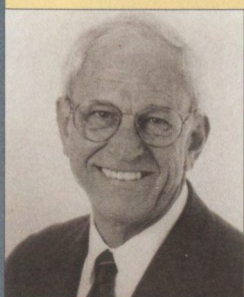
Lafferty Law Library interior

A May 6, 1942 article in the *Kentucky Kernel* described the Lafferty Law Library by printing: *"A pleasing sensation arises from the light which passes through the glass brick wall, the excellent light reflectors, eighteen of which are suspended from the ceiling; the green floor covering, bordered in gray, together with the books on the walls, the monotony of which is broken by their varying colors."* The *Kernel* also commented that *"There is also on the lower floor a lounge where students may smoke and discuss problems."*

Deans

1913–1924	William Thornton Lafferty
1924–1928	Charles J. Turck
1928–1933	Alvin E. Evans
1933–1935	Frank Hall Randall
1935–1949	Alvin E. Evans
1949–1951	Elvis J. Stahr
1951–1952	William Lewis Matthews, Jr.
1952–1959	Elvis J. Stahr
1959–1971	William Lewis Matthews, Jr.
1971–1973	Robert G. Lawson
1973–1976	George W. Hardy, II
1976–1981	Thomas P. Lewis
1981–1988	Robert G. Lawson
1988–1992	Rutherford B. Campbell, Jr.
1992–1998	David E. Shipley
1998–1999	Robert G. Schwemm
1999–2000	Eugene R. Gaetke
2000–2008	Allan W. Vestal
2008–	Louise Everett Graham

Thomas P. Lewis, College of Law Dean 1976–1982



The tragic death of A.B. McEwan led then Dean W.L. Matthews to offer Thomas P. Lewis an appointment as an assistant professor in 1957.

From 1959–60, Lewis took a leave of absence for graduate work at Harvard Law School. Studying under professors Paul Freund and

Henry Hart, Lewis published his first work on a Constitutional issue in 1960 in the *Columbia Law Review*, later selected for inclusion in *Selected Essays*

on Constitutional Law (1963). After additional publications, he was awarded the Doctor of Juridical Science degree by Harvard in 1964.

Lewis taught law at Minnesota from 1965–1972 and Boston University from 1972–1976. He became Dean of UK Law with two conditions.

One was permission to engage in fund raising at the college level. The second was for funds to support two full-time associate dean positions. Lewis hired Paul Van Booven '76 who was placed in charge of academic functions, and Carroll Stevens '76 who was placed in charge of creating

and administering a placement office to improve employment opportunities for graduates. Under Dean Lewis, the College of Law created the Visiting Committee and Lafferty Society. He is proud of the several strong faculty members hired while he was Dean. Notable among these is Louise Graham, hired in 1978.

He served as Dean of the College of Law from 1976–82 before returning to teaching until his retirement in 1998. Widowed at the time of his retirement, Lewis later remarried and now lives in Florida with his wife Myrtle Blakley. —Heather N. Russell

"When I asked Louise Graham to join our faculty, I knew she would be a dedicated professor to her students and to the College. Throughout her career, she has proven her dedication time and time again."

A modest beginning

A centennial anniversary celebration would be incomplete without a look back at the first several years of the UK College of Law. From a modest beginning, our institution has grown and adapted to meet the demands of a developing legal profession.

When the College of Law began its first classes in September 1908, it was housed in two rooms of the University's Education Building. The course of study was, at that time, two years. The college had few students, few textbooks and few faculty members. The faculty consisted entirely of W.T. Lafferty, Charles Kerr and T.E. Moore, each of whom had only limited experience teaching law. As Dean Lafferty later said, that first year ended "as well as might be expected."

The same faculty returned for the second year of classes. The course of study had increased to three years, the library had increased to around 300 books and enrollment had

increased from 28 to 40 students. At this time, no post-secondary education was required to enroll in law school, the only requisite was a high school education.

The College of Law continued to grow in its third year and added a new faculty member. Judge Lyman Chalkley, former dean of the law schools at Transylvania and the University of the South, replaced T.E. Moore, who had resigned. Enrollment increased to sixty students. The library now had approximately 800 volumes and the College got a new home, an entire floor of the Science Building.

By September 1913, the College had an enrollment well over 100 students and a library of around 5,000 volumes. There were eight full-time faculty plus eight lecturers and two members of the University faculty who gave lectures on general topics useful to lawyers. During the summer of 1912, the UK

College of Law had been admitted as a member of the Association of American Law Schools.

Like most of the nation, the College faced a difficult period a few years later during the First World War. At the beginning of the 1918-1919 school year, 35 students were enrolled and most of these were members of the Students Army Training Corps. The curriculum reflected the times, as classes were offered in Military and International Law. Only two issues of the *Kentucky Law Journal* were published during the year. Faculty members had to assist with publication since there were not enough students to comprise an editorial board. The College suffered seven casualties during the war, including Professor Reuben Hutchcraft (see sidebar). However, more prosperous times were to come, as more than 30 students returned during the following spring semester. The College would again soon thrive. •



SEVEN MEMBERS OF THE UK LAW FAMILY LOST THEIR LIVES IN WORLD WAR I

- Robert E. Cullen
- Chester B. Helm
- Reuben Hutchcraft
- Dexter W. Ramsey
- Joseph C. Reynolds
- Raymond Schoberth
- Stanley H. Smith

Professor made ultimate sacrifice during WWI

Reuben Brent Hutchcraft Jr. was born on December 15, 1886 in Paris, Kentucky. After receiving a bachelor's degree in arts at Kentucky (Transylvania) University he studied law at Harvard, graduating in 1910 and returning to Paris to practice law. While serving as a representative in the General Assembly of Kentucky, Hutchcraft was asked to join as professor in the Law Department.

In the March 1919 *Kentucky Law Journal*, UK Law Professor Lyman Chalkley wrote of Hutchcraft, "When the call came to his people to send their young men to arms in defense of their soil, their traditions, their faith, their liberty and their posterity... he answered eagerly as the highest opportunity that could come to him to serve." Captain Hutchcraft received the Distinguished

Service medal after his death for extraordinary heroism. Under his leadership, his platoon reached the most advanced position by any United States troops during the engagement. Within 30 yards of enemy guns, Captain Hutchcraft was killed near Sedan, France on November 7, 1918, four days before the armistice was signed. •

In 1926, the College moved into today's Gillis Building.



Courtesy of the University Archives and Records Program, Special Collections and Digital Programs, University of Kentucky Libraries

Attorney Qualifications Bill

As drafted by Judge Lafferty in 1915, the bill called for the creation of a Board of Examiners for attorneys in the state of Kentucky. It gave the Kentucky Court of Appeals the authority to make any necessary rules to govern the examination and qualification of candidates for a license to practice law. The Board of Examiners would have three members, all of whom would possess the qualifications of Circuit Judges. Examination would be done by written examination with a minimum passing score of 75 percent and no person under 21 years old was permitted to apply. As passed in 1918, the bill was substantially the same. However, the draft had called for a maximum of four sessions of the Board of Examiners per year to admit candidates, while the final version raised this number to six sessions.

A leader for positive change

The College of Law has been a leader in effecting positive change in the legal profession since its earliest days. An article in the premier issue of the *Kentucky Law Journal* states, "The design of this college is to teach the student the fundamental principles of English and American Law, and to so extend the course of study as to fit him for the bar in any state. The course offered is thorough and comprehensive, giving such training as will prepare him for usefulness as a citizen and success as a practitioner."

Originally, all that was required to practice as a lawyer in Kentucky was to petition the Circuit Court of any county other than the county of which the petitioner was a resident. The Court would then appoint two lawyers who would examine the petitioner; however, there were no set standards for the content of this examination.

From the beginning, Judge Lafferty was a zealous advocate of heightened standards for lawyers in Kentucky. In 1915, Lafferty drafted an act for the Kentucky General Assembly to regulate the admission of attorneys to the Kentucky bar (see sidebar). This act required a minimum age of 21 for applicants to the bar, established the use of a written examination with a minimum passing score of 75 percent and set up a board of legal examiners with the authority to make any further rules and regulations as they deemed necessary. Also in 1915, the College faculty passed a resolution to ask all Kentucky's circuit judges to administer the bar examination only to those law students who had written permission from the dean of the UK College of Law.

While working to increase the standards within the legal profession in Kentucky, the College sought from early on to increase their own standards of legal education. In the second year of classes, the College increased the length of the curriculum from two years to three. In 1915, the College began requiring all students under the age of 21 to have completed at least one year of general college work before graduating from the College of Law. Previously, only a high school education was required.

Through both successes and hard times, periods of growth and periods of decline, the first ten years of the College of Law did much to shape the rest of its first hundred years. •

Two Years of Celebrating 100 Years of Excellence in Legal Education

One hundred years after opening our doors to the first 28 students at the UK College of Law, we began our Centennial Celebration. Over the next two years as we celebrate our centennial, we will reach across Kentucky, connecting with alumni and friends to honor the memories and achievements of our first century. Together, we will also dream of all we have to accomplish in our second century.

Planning is still underway for some events, but we are excited to share developments in how we will extend our communication efforts to you.

A new Web site is currently underway for the College. We will post news and events here, giving you the most up to

date information on the College and our Centennial Celebration. The new Web site will offer a more intuitive interface for visitors interested in our academics and faculty. Alumni will be able to contact us with questions, ideas and updates. Please visit www.uky.edu/Law in the coming months to view our progress.

Class Notes, a special newsletter designed to keep you up to date on your classmates and their accomplishments, will be published in 2009. More than just an opportunity to share news about your career, *Class Notes* is about sharing memories from your days as a law student. We need your updates and stories! Contact Heather Russell at heather.russell@uky.edu.

When you think back to your days as a law student, what memory comes to mind first? When you talk with former classmates, what memory always brings a laugh? What legends did you hear years ago and still ponder today?

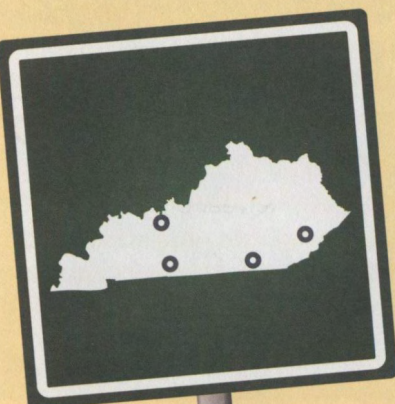
As we celebrate our centennial, we want to share the Legends & Lore of UK Law.


*Contact
Heather Russell
with your story and
you may be featured in
an upcoming
publication.
859-257-7938 or
[heather.russell@
uky.edu](mailto:heather.russell@uky.edu).*

Mark Your Calendars

To share our Centennial Celebration with alumni across the Commonwealth, UK Law is visiting District Bar Events. Contact Julie Dunn for more details, 859-257-3103 or jdunn1@email.uky.edu.

September 22: Bowling Green
October 20: Prestonsburg
November 6: Somerset
November 13: Owensboro





PROFESSOR CAROLYN S. BRATT RETIRES AFTER 33 YEARS AT THE UK COLLEGE OF LAW

Like her favorite Supreme Court Justice, Thurgood Marshall, Executive Associate Dean Carolyn S. Bratt has lived a life of passion and used her considerable skills to further the cause of civil rights and women's rights.

Born in Suffern, New York, Bratt belonged to a generation of women who were the first in their families to attend college. She went to State University of New York at Albany then accepted a position teaching history to seventh, eighth and ninth graders in Syracuse, New York.

In Syracuse, Bratt began her lifelong interest in the civil rights and women's rights movements. A female criminal attorney convinced Bratt and several other young women in the Syracuse chapter of the National Organization for Women (NOW) that law was an option.

Bratt entered Syracuse University College of Law in a class containing fifteen women, an unprecedented number for that time. She credits her Trust and Estates teacher, Professor Fetter, for her interest in property law. "If he had been a Contracts professor, I probably would have taught Contracts."

After working as a law clerk to the Presiding Justice of the New York State Supreme Court, Appellate Division, Bratt applied for a teaching position at University of Kentucky College of Law. Under orders from the federal government to include more women in traditionally male disciplines, UK Law hired Bratt and one other woman to join the faculty in 1975. When her colleague resigned at the end of their first

academic year, Bratt found herself the only woman on the faculty for several years.

Bratt faced prejudice throughout her career but she continued to pursue her interest in civil rights. She served as legal advisor to Gov. John Y. Brown's Commission on Full Equality for Women and on the Kentucky Supreme Court's Standing Committee on Gender Fairness. She also marched in every local rally for the Equal Rights' Amendment.

As a life-long enthusiast for education, Bratt pursued an interest in academic administration serving on the UK Board of Trustees and Chair of the University of Kentucky Senate Council. She took a yearlong fellowship with the American Council on Education and worked with University Chancellors and Presidents from all over the country.

Bratt ended her thirty-three years at UK Law serving as the Executive Associate Dean. During the span of her career at UK she has received numerous honors, such as the UK Great Teacher Award and a place in the Kentucky Commission on Human Rights Hall of Fame. However, Bratt ranks as her greatest accomplishment raising a son who is "not afraid of, and even attracted to, women who accomplish something for themselves."

During retirement, Bratt plans ~~to plans~~ to begin in Florida and sail up the Eastern Coast. As she literally sails off into the sunset, Bratt wants to encourage everyone, especially young women, to find their voices for something bigger than themselves. •

Two outstanding faculty retire from UK College of Law

Professor Alvin Goldman spent the first part of his life in New York City and received his undergraduate degree from Columbia University. There, an American History professor inspired Goldman to consider law school and enroll at the New York University School of Law.

After graduation, Goldman joined Parker Chapin & Flattau in New York City. At the end of his first year he was asked to assist the partner in charge of labor issues. That assistance developed Goldman's interest in labor and negotiation, an area in which he received little law school preparation.

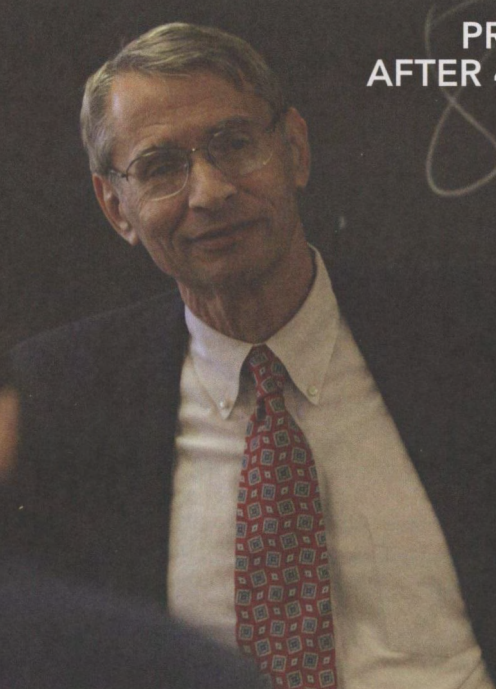
In 1965, after five years of practicing law, Goldman accepted a position teaching at the University of Kentucky College of Law. Goldman vividly recalls forgetting his notes to teach his first class. "I practiced law for five years," he said, "So I decided I could fake it."

As a law professor, Goldman expanded on his passions for labor law and negotiation. Most notable among his contributions is his book on negotiation, created out of the need he saw in the legal profession for instruction in this area. Goldman also explored his

interest in Constitutional Law, a topic which became his favorite to teach. He came to admire lawyers like Supreme Court Justice William O. Douglas who, "saw the big picture in terms of the basic concepts that drove the framers to create the kind of systems that give government the power to promote the general welfare without destroying individual liberty."

Having struck up a friendship with a Belgian labor lawyer at a conference, Goldman was invited to be Scholar-in-Residence at the Leuven University Institute for Labour Law in Belgium in 1973. "By studying other systems," says Goldman, "you get to know your own system and how it can change for the better."

As for his future plans, Goldman is retiring from the classroom only. He remains active in the International Society for Labour Law and the National Academy of Arbitrators. He will continue to work in labor arbitration and write, having just completed a short chapter for a book soon to be published in Europe. He also plans on learning how to fly fish, when he can find the time. Based on the retirement schedule he has set for himself, it looks like Kentucky's fish will be safe for a while. •



**PROFESSOR ALVIN L. GOLDMAN RETIRES
AFTER 43 YEARS AT THE UK COLLEGE OF LAW**

Two professors began their teaching career 30 years apart



PROFESSOR ANDREA DENNIS began her career as a law professor at UK in the fall of 2006. The first class she taught was Criminal Law. Dennis' goal in teaching is simple: to always get better.

To prepare for her first class, Dennis read the assigned pages in the casebook and determined the major teaching points. She looked also at treatises and journal articles for supplementary information. Her next step was to create lecture notes. "My colleagues here are tremendously helpful," Dennis said. "I was able to ask other professors questions that helped me prepare for that first day." Finally, after reviewing other professors'

lecture notes, Dennis refined her own notes. "At first I was worried about not having enough to say. Over the course of the semester, however, my concern shifted. I worried I couldn't cover everything," said Dennis.

Dennis continues to be as substantially prepared as she was for her first class, but over the years she has refined her class preparation process. "The skeleton is still there, and each year I add another layer, including different teaching techniques and updates of more current and interesting cases."

Two words describe Dennis' teaching philosophy: rigor and relevance. Rigor—she seeks to build a foundation of basic terminology, principles and skills. Her aim is to give students the building blocks necessary for them to tackle the advanced issues dealt with in upper-level courses. She also seeks to challenge her students' preconceived notions about criminal law. Relevance—she wants students to see early on in their legal careers that what they are learning applies to real-world problems affecting ordinary people. Using current cases and events emphasizes this point and also adds a degree of fun to the learning process.

Before entering academia, Professor Dennis practiced law in Maryland and Washington, D.C. Since moving here, she has been pleasantly surprised by the accessibility to pivotal members of Kentucky's legal community. She has met Kentucky Supreme Court Justices, federal and state judges as well as respected attorneys. "Those meetings provide a two-way benefit," said Dennis. "When speakers are introduced into the classroom, they enrich students' learning. And it's good for speakers to have the opportunity to interact with future lawyers." Dennis believes community engagement in the Commonwealth begins with those connections.

When asked for advice about teaching law, Dennis said, "Prepare diligently for each class. Get to know the students. Seek advice when you feel the need. And have fun."

Should a new professor get a question he or she can't immediately answer in class? "No worries. You can always look it up for the next class."

Professor Andrea Dennis teaches Criminal Law, Criminal Trial Process, Children and the Law, and Family Law. •



Prof. Price receives Ford Foundation Postdoctoral Award

Professor Melynda Price is one of 20 recipients who received a Ford Foundation Diversity Fellowship Postdoctoral Award. Recipients were those who have demonstrated superior academic achievement; are committed to a career in teaching and research at the college or university level; show promise of future achievement as scholars and teachers; and are well prepared to use diversity as a resource for enriching the education of all students. Price will be the first fellow at the Capital Punishment Center at the University of Texas School of Law for the 2008-2009 academic year.

As a doctoral student at the University of Michigan, Price focused on religion and politics. When Price was considering applying to law school, the state of Texas was debating the execution of Karla Faye Tucker. "The debate was an area of law where all my interests intersect... human rights, morality, public opinion, religion and ultimately what constitutes a citizen," said Price.

While in Texas, Price will work on a book tentatively titled, *At the Cross: Race, Religion and Citizenship in the Politics of the Death Penalty among African-Americans*. Qualitative and quantitative methods will be used to study public opinion, particularly that of African Americans, on the death penalty and how this form of punishment shapes perceptions of their inclusion in the larger political community in post-civil rights America.

Price believes the opportunity to participate in the day-to-day activities of other law schools, "... helps us identify where we can do better and helps us appreciate the good things about our home institution." •

In 1975, **PROFESSOR ROBERT SCHWEMM** began his career as a law professor teaching Civil Procedure I at UK Law. With no prior experience teaching, Schwemm visited a former Harvard Law professor for advice. "He told me to give as clear an answer as possible because the subject was a hard course to teach." Other faculty members at UK gave him substantive advice on how to approach specific points in the class.

Schwemm's biggest concern that first day was filling the entire class time. "I did finish class early one time during my first year," said Schwemm. Lesson learned, he has over prepared material for each class ever since that day.

Schwemm believes his experience in litigation helped him in the classroom. "It helped me get a sense of what was needed to convince other people," he said. He finds that challenge from

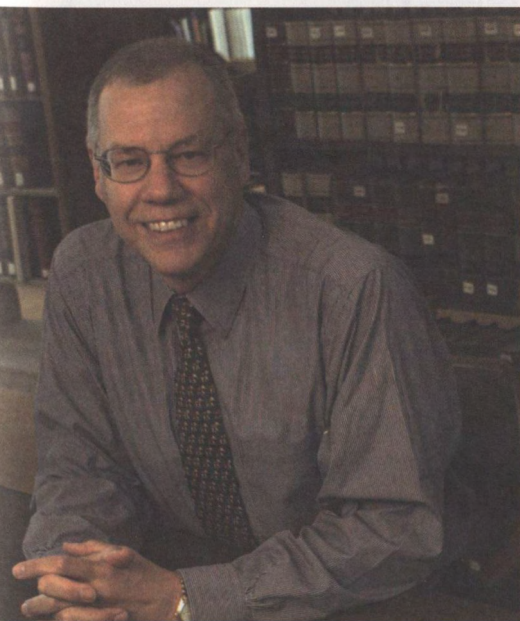
students is helpful. Schwemm looks to his past teachers, as far back as high school, for models in his style and approach. "I try to be demanding, but fair," he said. A rigorous teacher, Schwemm lets a student know when he is disappointed. "At the same time, I am complimentary when effort and quality are shown."

What surprised Schwemm most was how many women were in his early UK classes. When he was a student, women made up ten percent of his class. As a new teacher, women made up forty percent of the classes he taught. Many women were at the top of the class. Unlike his days as a student, Schwemm found his students to be a very social group who often invited him to gatherings.

Looking back, Schwemm thinks he should have been more aggressive in his teaching style or had a better lesson plan in place that first year. Regardless of his personal hindsight, the students selected him for a teaching award his first year.

"I am aware that only part of my job is to convey substantive information. A large part is getting students to engage in the material so they're teaching themselves," said Schwemm. "Professors must understand that our job is not to pontificate, but to provide a connection between students and material."

Professor Schwemm teaches Constitutional Law, Civil Rights, and Civil Procedure I and II. •



Professor Kightlinger's tenure process



Current tenure requirements at UK Law provide that faculty members have two publications in print and a third publication substantially complete before tenure is granted. The tenure candidates' articles are then subjected to internal and external review. Experts in the field outside of the Law School review the articles and return comments for the faculty member. Internally, the Promotion and Tenure Committee reviews the articles to evaluate the acceptability of work within the field of law.

After these reviews, the Promotion and Tenure Committee votes on whether to recommend the faculty member for tenure. Upon a positive vote of the Committee, faculty as a whole are asked to vote on whether to recommend the professor for tenure. As the final step inside the College of Law, the Dean then recommends the tenure candidate to the University Provost. After approval by the Provost, the Board of Trustees vote to confirm the decision to grant tenure to the faculty member.

When asked about his experience achieving tenure, Associate Professor Mark Kightlinger reflected positively on the process by comparing the tenure process to what he experienced as an associate prior to making partner at Covington & Burling. "In the firm setting," he said, "Associates are closely observed for approximately three years prior to partnership eligibility. After recommendation by the management committee, the partners vote to admit the associate to the partnership."

The College has a high record of success for tenure candidates. Rarely are candidates not approved by the Provost and Board of Trustees. "The positive tenure record reflects highly on the caliber of faculty at the College of Law," said Kightlinger.

Kightlinger said the uncertainty he felt during the several month waiting period while the Provost and Board of Trustees approved the recommendation was the only negative part of the process. Despite that uncertainty, Kightlinger felt the tenure process was "sensible and fair."

Professor Kightlinger joined the College of Law in 2004. His scholarship focuses on Internet Law and Privacy Issues. •

HEARSAY

College of Law hosts forum on *Kernel* cartoon

UK's independently run student newspaper, *The Kentucky Kernel*, ran a controversial editorial cartoon that depicted the Greek recruitment process as a slave auction. Reaction among students, faculty, staff and the Lexington community was swift and angry.

In response to the protests, UK Law hosted "When is Race a Laughing Matter? A Community Discussion of the Kernel Cartoon Controversy," at the College of Law courtroom. Moderated by Professor Melynda Price, the forum allowed an engaging conver-

sation regarding free speech and public reaction.

Panelists included Joel Pett, cartoonist for the *Lexington Herald-Leader*; Delano Massey, reporter for the *Herald-Leader*; Joanne Melish, UK history professor; Bob Houlihan, partner in the Lexington law firm of Savage, Elliott, Houlihan, Moore, Mullins and Skidmore, LLP; Jasmine Whitlow, UK freshman and protest participant; and Brad Fletcher, second year UK law student and cartoonist for the *Kernel*. •

Two new faculty join the College of Law

PROFESSOR SCOTT R. BAURIES joins the UK Law faculty following two years as an associate with McGuireWoods, LLP, where he practiced Labor & Employment Law, Higher Education Law, and Commercial Litigation.

Bauries graduated in 2005 from the University of Florida Levin College of Law in Gainesville, Florida, where he was the Senior Galley's Editor of the *Florida Law Review*. After law school, Bauries clerked for the Honorable Emmett Ripley Cox of the Court of Appeals for the Eleventh Circuit. Concurrent with his legal studies, Bauries pursued a PhD in Educational Administration and Policy from the University of Florida College of Education. This year, he expects to defend his dissertation examining the doctrine of the separation of powers in state education finance litigation.

Bauries' professional and academic interests include civil procedure, federal and state constitutional law and education law. Prior to entering legal studies, Bauries taught English at the secondary school level in both public and private schools and served as a school district Grant Administrator and Staff Developer. Bauries taught in the College of Education while attending law school in Florida.

Bauries enjoys surfing when he's near a beach, soccer, cooking and spending time with his wife Dana and their infant daughter, Meredith.

Professor Bauries will teach Civil Procedure to first year students in Fall 2008 and Spring 2009. He will also teach an Education Law seminar in the Spring. •

PROFESSOR STEPHEN CLOWNEY joins the UK Law faculty from Oklahoma City University where he was a visiting assistant professor of law teaching courses on Land Use and Real Estate Development.

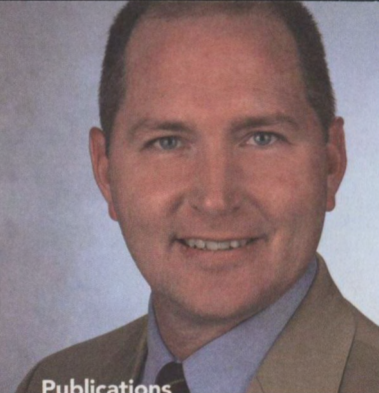
Clowney graduated from Yale Law School in 2006. At Yale, he was an editor of the *Yale Law Journal*, Editor-in-Chief of the *Yale Law & Policy Review* and an active member of the Black Law Students' Association.

Prior to entering academia, Clowney served as a Law Clerk in the Chambers of the Honorable Ruggero J. Aldisert, Third Circuit Court of Appeals, in Santa Barbara, California. He also previously worked for the Yale University Legal Services Organization and McCorriston, Miller, Mukai, MacKinnon LLP, a private law firm in Honolulu, Hawaii.

In 2000, Clowney graduated from Princeton University with an AB in African-American Studies. At Princeton, he was a member of Phi Beta Kappa and honored with the University President's Award for Academic Achievement and the Faculty Award for Achievement in African-American Studies.

Originally from Pittsburgh, Pennsylvania, Clowney is a rabid fan of the Steelers. He also enjoys surfing, bad fantasy adventure novels and Irish punk music.

Professor Clowney will teach Trusts & Estates, Property, Real Estate Transactions, and a seminar on the history of Lexington. His research focuses on zoning, disputes between neighbors, real estate development, handwritten wills and urban legal history. •



Publications

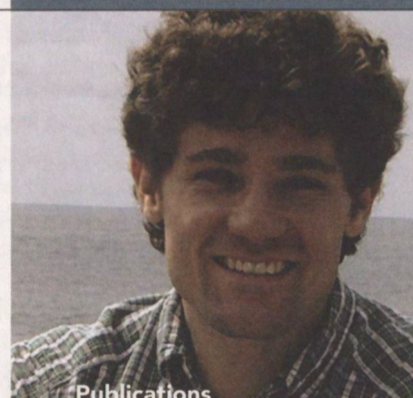
Scott R. Bauries, *Florida's Past and Future Roles in Education Finance Reform Litigation*, 32 J. Educ. Fin. 89 (2006).

Scott R. Bauries & R. Craig Wood, *Rights Without Remedies: The Consequences of Tennessee v. Lane for Disabled State University Students*, 195 Ed. L. Rep. [697] (2005).

Works in Progress

The Separation of Powers and the Political Question Doctrine in Education Finance Litigation, Ph.D. dissertation, scheduled for completion and defense, 2008. Will be converted to law review article(s) and submitted after defense.

Docking the Dog's Tail: The Conditional Spending Power in Education, in progress.



Publications

In Their Own Hand: An Analysis of Holographic Wills and Homemade Willmaking, 43 Real Prop. Prob. & Tr. J. 1 (2008) (forthcoming).

Logic for Law Students: How to Think Like a Lawyer, 69 Pitt. L. Rev. 1 (2007).

Comment, An Empirical Look at Churches in the Zoning Process, 116 Yale L.J. 859 (2007).

Note, Environmental Ethics and Cost-Benefit Analysis, 18 Fordham Envtl. L. Rev. 105 (2007).

Note, A Walk Along Willard: A Revised Look at Land Use Coordination in Pre-Zoning New Haven, 115 Yale L.J. 116 (2005).

Good luck Professors Moore & Ringhand

Our colleagues, Dave Moore and Lori Ringhand, have recently left us to join the faculties of two other excellent law schools. One of the downsides of attracting and hiring talented faculty is that, occasionally, they leave us for other exciting professional opportunities. Professor Dave Moore, who just completed a term clerking for Supreme Court Justice Samuel Alito, is returning to his alma mater, Brigham Young University School of Law, after he spends a year as a visiting professor at George Washington University School of Law in Washington, D.C. Prof. Ringhand is joining the faculty of the University of Georgia School of Law. Both were wonderful additions to our faculty and their success speaks to the exceptional quality of the faculty that the College of Law continues to attract and maintain.

—Mary J. Davis
Associate Dean for Administration
and Faculty Development
Stites & Harbison Professor of Law



RICHARD AUSNESS,
William T. Lafferty
Professor of Law,
recently published
"Providing a Safe
Harbor for Those

Who Play by the Rules: The Case for a Strong Regulatory Compliance Defense," in the 2008 *Utah Law Review* with H. Lee Barfield II, David A. King, Joshua R. Denton and Stephen J. Jasper.



JONATHAN CARDI,
Associate Professor
of Law, published a
co-edited book called
Critical Race Realism,
by the New Press. He

published an article in *University of Southern California Law Review* entitled "Duty Wars", co-authored with Mike Green, and is completing an update of the Gilberts outline of Torts. Professor Cardi organized a torts workshop for the summer 2008 SEALS conference and

participated in a panel on Pluralist Tort Theory. Professor Cardi's article "Uber-Middleman" was selected for republication in the 2008 edition of the *Entertainment, Publishing and the Arts Handbook*.



ALLISON CONNELLY,
Associate Professor
of Law & Director of
the UK Legal Clinic,
was named a delegate

to the Sixth Judicial Circuit's Conference in Chattanooga during May 2008. In addition, she was a recipient of the Court of Justice's Law Day Education Achievement Award for her "outstanding contributions to educating youth and professionals" about Kentucky law.



MARY J. DAVIS,
Stites & Harbison
Professor of Law, has
been appointed to be
the Associate Dean
for Administration

and Faculty Development at the College of Law beginning July 1, 2008. Dean Davis completed a semester as a visiting professor at the University of Texas School of Law where she taught Torts and Products Liability. She has also been coordinating a national symposium to be held in November 2008 at the Brooklyn Law School commemorating the tenth anniversary of the Restatement Third of Torts: Products Liability. She has worked with the Reporters of the Restatement to plan this symposium at which she will speak on the topic of federal preemption of products liability actions, a topic of her recent research. She continues to work on the Restatement Third of Torts and Aggregate Litigation projects for the American Law Institute. She has completed the 2008 Case and Statutory supplement to her casebook *Products Liability* and

Safety: Cases and Materials 5th ed. 2007 with D. Owen and J. Montgomery. In addition, she was quoted in the *New York Times* in a June 2008 article about consumer fraud class action litigation. Dean Davis has been accepted to participate in the College Business Management Institute, sponsored by the Southeastern Association of College and University Business Officers, in August as a recipient of a University Provost's Office scholarship.



ANDREA DENNIS,
Assistant Professor
of Law, received
extensive coverage
on "EvidenceProf
Blog" for her last

article, Poetic (In)Justice? Rap Music Lyrics as Art, Life, and Criminal Evidence published in the *Columbia Journal of Law and the Arts* (2007). Professor Dennis made numerous presentations, including the "Innovative Mental Assessments for Family Court: Legal and Clinical Perspectives", Kentucky Summit on Children, Louisville, Ky. in August 2007; "Biennial Caselaw and Legislative Update", 16th Biennial Family Law Institute for the University of Kentucky College of Law Office of Continuing Legal Education in Lexington, Ky. in November 2007; Mid-Atlantic Criminal Law Research Collective at George Washington University School of Law in Washington, D.C. in December 2007; Samford University Cumberland School of Law in Birmingham, Ala. in April 2008; "Stop Snitching: A Comparative Examination of Codes of Silence" for the Mid-Atlantic Criminal Law Research Collective at the University of Maryland School of Law in Baltimore Md. in May 2008; Jurisgenesis 2008 at Washington University Law/St. Louis University School of Law in

St. Louis, Mo. in June 2008; and New Scholars Panel for the Southeastern Association of Law Schools Annual Conference in Palm Beach, Fla. In July 2008. Her current work-in-progress is titled "Collateral Damage? Juvenile Snitches in America's "Wars" on Drugs, Crime, And Gangs".



CHRISTOPHER W. FROST, Frost Brown Todd Professor of Law, was named a Fellow to the

Southeastern Conference Academic Consortium (SECAC) 2008-09 Academic Leadership Development Program (ALDP). He is a contributing editor of the *Bankruptcy Law Letter*, is a member of the board of the Kentucky Equal Justice Center, the Fayette County Bar Association, and the American Board of Certification.



ALVIN GOLDMAN, William T. Lafferty Professor of Law, took part in a panel discussing

approaches to protecting individual employee rights and welfare at a conference of the International Society for Labor and Social Security Law in Santo Domingo, Dominican Republic in November 2007. In February 2008 Professor Goldman chaired a panel at a conference in San Diego on the teaching and practice of comparative labor and employment law. In May he participated in the annual meeting of the National Academy of Arbitrators held in Ottawa, Canada, where he chaired a meeting of a committee for liaison with other organizations. In June Goldman

submitted a chapter on U.S. law that will be a part of a comparative book on the law of fixed term employment contracts. As of July 1, 2008, Professor Goldman took full retirement from teaching.



LOUISE EVERETT GRAHAM, Wendall H. Ford Professor of Law, will be serving as the Interim Dean this

academic year while the College completes a dean search. She will serve as an *ex officio* member of the search committee. Last year, she was a co-chair of the Search Committee, along with Dean Sharon Turner of the College of Dentistry. Together with Judge Keller, Dean Graham published the third edition of *Kentucky Domestic Relations*. Dean Graham is now updating the annual supplement.



ROBERTA M. HARDING, W.L. Matthews Professor of Law, was an Invited Scholar at Fordham

Law School in New York City. On February 26th she made a presentation titled "Race to Execution: Snyder in Context" at the Seminar on Advanced Criminal Law: Criminal Sentencing and the Death Penalty. She was also invited to be a Visiting Scholar at Southeast Missouri State University. She participated in the SEMO Multicultural Educator Speakers' Series where on April 10th she presented the lecture: "Race, Class, and the Death Penalty." She was interviewed by local television news to provide an opinion on what effect the United States

Supreme Court's ruling in *Baze v. Rees*, a case challenging the constitutionality of Kentucky's use of lethal injection for executions, on which she acted as a consultant, might have on the recommencement of executions and on the future of litigation contesting the method's constitutionality.

Currently, Professor Harding is working on three articles. She is revising her article titled "Rubbing the Rabbit's Foot: The Death Penalty and Gallows Superstitions in England During the Eighteenth and Nineteenth Centuries" and will circulate it for publication this fall. As a result of the presentation she made at Fordham Law School this spring she is writing an article titled "From Strauder to Snyder: The Evolution of the United States Supreme Court's Strategies to Eradicate the Purposeful Racially Discriminatory Use of Peremptory Challenges in Capital Cases." She also has commenced working on an article reviewing and analyzing the history of female executioners, which has a working title of "Searching for Equality: A Global History of Female Executioners."



MICHAEL HEALY, Dorothy Salmon Professor of Law, has completed four years of work as Associate Dean for

Academic Affairs and returned to the regular teaching faculty. In 2008 Aspen published the second edition of the Administrative Law casebook that Healy has co-authored with Judge and Professor Emeritus John Rogers and University of Alabama Professor Ron Krotoszynski. The revised Teachers Manual for the

second edition of the casebook, also co-authored by Professor Healy, has also been published. Professor Healy joined Professor Andrea Dennis in attending the Jurisgenesis conference in June 2008 co-sponsored by Washington University and St. Louis University.



NICOLE HUBERFELD, Willburt D. Ham Associate Professor of Law, has an article titled "Bizarre Love

Triangle: The Spending Clause, Section 1983, and Medicaid" forthcoming in the *U.C. Davis Law Review* (Winter 2008). She also participated in a panel entitled "Federalism and Healthcare" at the Health Law Professors Conference in May and a talk at the South Eastern Association of Law Schools Annual Conference entitled "The Roberts Court and Healthcare, Something for Everyone." Currently, Professor Huberfeld is working on research projects that follow her articles in the *North Carolina Law Review* and *U.C. Davis Law Review*. One will examine the impact a recent Supreme Court decision is likely to have on interpreting the False Claims Act in federal healthcare programs. The other explores tensions between the doctrine of federalism and the practical aspects of cooperative federalism programs.



MARK F. KIGHTLINGER, James and Mary Lassiter Associate Professor of Law, recently published

"The Gathering Twilight? Information Privacy on the Internet in the Post-Enlightenment Era," in the *John Marshall Journal of Computer & Information Law* (2007) and "Twilight of the Idols? EU Internet Privacy and the Post-Enlightenment Paradigm," in

the *Columbia Journal of European Law* (2007). An article that he wrote entitled "Nihilism with a Happy Ending: The Interstate Commerce Commission and the Emergence of the Post-Enlightenment Paradigm" will be published in 2008 in the *Penn State Law Review*. He is currently working on an article that will use the conceptual framework developed in these articles—a framework based on the critical moral philosophy of Alasdair MacIntyre and the sociology of Max Weber—to evaluate the movement to enhance "skills and values" education in law schools. Kightlinger chairs the Program and Curriculum Committee and the Diversity Committee. He is also the faculty advisor to the *Journal of Natural Resources and Environmental Law* and the UK Law Gay Straight Alliance.



DOUGLAS MICHAEL, Edward T. Breathitt Jr. Professor of Law, assumed the job of Associate Dean for

Academic Affairs on July 1, 2008. He is co-author of a casebook on Business Planning with Scott B. Ehrlich of California Western School of Law, which will be published by Lexis/Nexis in 2009. He recently published "Self-Regulation for Safety and Security: Final Minutes or Finest Hour?" in the 2006 *Seton Hall Law Review*. Professor Michael was an invited panelist at a July 2008 symposium entitled "Toward A Regulatory Framework for Internet Self-Regulation", held at the Silicon Flatirons Center for Law, Technology and Entrepreneurship at the University of Colorado. He continues to train students for and supervise the College's Volunteer Income Tax Assistance Clinic, which last year helped over 500

taxpayers with their returns and other tax problems. His current research includes articles in progress on internet self-regulation and the tax policy consequences of electronic tax return filing, and a casebook on Legal Accounting.



KATHRYN L. MOORE, Everett H. Metcalf, Jr. Professor of Law, welcomes the second edition of her

co-authored casebook, *Law of Employee Pension and Welfare Benefits* with L. Frolik. She completed a chapter entitled, "Other Eligible Employees: Owners, Partners, Independent Contractors, and Leased Employees", forthcoming in a new treatise, *Federal Income Taxation of Retirement Plans*. In addition, Moore published two articles. "The New Retiree Health VEBA", appears in the 2008 *NYU Review of Employee Benefits and Executive Compensation* while the second, "The Future of Social Security: Principles to Guide Reform", was published in the *John Marshall Law Review*. In April 2008 Moore discussed the second article at the *John Marshall Law Review's* 6th Annual Employee Benefits Symposium. She currently serves on the Advisory Board for the John Marshall Law School's Employee Benefits program and as a senior associate editor for the ABA Section of Labor and Employment Law's Employee Benefits Law treatise. In July 2007 Moore was appointed a member of the Lexington-Fayette Urban County Government's Board of Adjustment. Moore has two works in progress: one on Social Security dependent benefits and one on practicing before the Board of Adjustment.



MELYNDA PRICE,
Assistant
Professor of Law,

presented a lecture entitled "Litigating Salvation: Race/

Gender, Religion and Innocence on the Texas Death Row" to students and faculty in the John E. Andrus Public Affairs Center at Wesleyan University on April 3. It was part of a series on incarceration awareness and the government department's annual speaker series. The event was co-sponsored by the Ethics in Society Program, Mellon Mays Undergraduate Fellowship, African American Studies and the Office of Affirmative Action. Price received a Ford Foundation Diversity Fellowship Postdoctoral Award and will be at the Capital Punishment Center at the University of Texas School of Law for the 2008-2009 academic year.



PAUL SALAMANCA,
Wyatt, Tarrant & Combs Professor of Law, published

"Civil Resolution of

Ecclesiastical Disputes" in the July 2008 issue of *Bench & Bar*. He is working on a longer article on the same subject that will include discussion of *Baker v. Fales*, a famous ecclesiastical dispute in post-revolutionary Massachusetts.



ROBERT G. SCHWEMM,
Ashland-Spears Distinguished Research Professor of Law, is the

inaugural holder of the Ashland Professorship. In 2008, Schwemm gave presentations on fair housing law in San Diego, Chicago, Indianapolis, New

Orleans, West Palm Beach and Washington, D.C. The annual update to his book, *Housing Discrimination: Law and Litigation*, was published in July. At the same time, his article on "Cox, Halprin, and Discriminatory Services Under the Fair Housing Act" appeared in the *Indiana Law Review*. He is currently working on an article to be published in the *Kentucky Law Journal* next year dealing with a Kentucky slave case, *Strader v. Graham*, that was decided by the U.S. Supreme Court in 1851 and was one of the foundational precedents for the Dred Scott decision. In the Spring semester of 2009, he will be a visiting professor at the John Marshall Law School in Chicago.



RICHARD H. UNDERWOOD,
Spears-Gilbert Professor of Law,

was cited multiple times in the newest

edition of *Federal White Collar Crime* by Julie R. O'Sullivan (Thomson/West) and identified as an expert of perjury. Underwood recently published three crime essays in the *Journal of Legal Studies*. The first was, "The Other Batson Case" with John Garst. Underwood followed with "Mr. Howe's Last Case" and "Arch and Gordon: The Crime Behind the Ballad".



SARAH WELLING,
Wendell H. Ford Professor of Law,

was elected to the American Law Institute (ALI). Her election to the premier learned society for legal academics is recognition of her national reputation in criminal law. She gave two-day presentations in

January and March to the Sixth Circuit Criminal Pattern Jury Instruction Committee at the federal courthouse in Cincinnati, Ohio. The conference was attended by federal district judges, federal prosecutors and federal defense attorneys from the Sixth Circuit states.



RICHARD WESTIN, Laramie L. Leatherman Distinguished Professor of Tax Law, published

"Energy and Environmental Tax Changes in the Flood of Recent Federal Revenue Laws and What They Imply" in the *Penn State Environmental Law Review*. Over the summer he completed editing two extensive BNA Tax Management Portfolios of his, both on the taxation of the mining industry, as well as four portions of BNA's Tax Practice Series, on the taxation of mineral, oil and gas-related activities. He is currently a member of the International Fiscal Association.



HAROLD WEINBERG, Wyatt Tarrant & Combs Professor of Law, constructed a data base he is using to

analyze judicial and administrative applications of trademark law's controversial functionality doctrine. He was assisted by Kristy Parton (UK Law '08) and Jun Wu (UK Law '09).

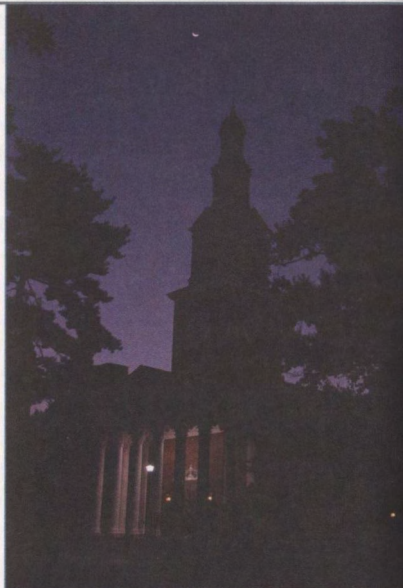
2008 Recognition ceremony awards

The **ORDER OF THE COIF** is the national law school honor society, founded for the purposes of encouraging legal scholarship and advancing the ethical standards of the legal profession. Its members are selected by the faculty from the 10 percent of the graduating class who rank highest in scholarship.

The following members of the 2008 graduating class earned grade point averages sufficiently high to be in the running for nomination and election to the Order:

Mindy Calisti, Louisville, Ky
 Laura Shannon Crittenden,
 Frankfort, Ky
 Sarah McKenzie Dunn,
 Chapel Hill, NC
 Timothy Wayne Dunn, Jr.,
 Slaughters, Ky
 Taylor McCoy Hamilton,
 Prospect, Ky
 Jon Harris, Blacksburg, Va
 Christy Lyn Hruska, Louisville, Ky
 William N. Jones, Philpot, Ky
 Alexis Louise McDaniel,
 Owensboro, Ky
 Ryan Michael McLane,
 Florence, Ky

Elizabeth Smith Muyskens,
 Lexington, Ky
 John Page, Bowling Green, Ky
 Matthew Ryan Parsons,
 Lexington, Ky
 Kelley Rosenbaum, Lexington, Ky
 Christopher Ryan, Paducah, Ky
 Jeremy Sylvester,
 Mount Pleasant, SC
 Bryan Thomas, Nicholasville, Ky
 Daniel Waxman,
 Ancaster, Ontario, Canada
 Kelley Rogers Williams,
 Lexington, Ky



THE FACULTY CUP is awarded by the faculty to recognize a graduating student who contributed the most to the overall environment of the law school. The 2008 recipient was **Ross Thomas Ewing** of Owensboro, Ky.

HEARSAY

BLSA Trial Team wins regional tournament

Four students from the University of Kentucky College of Law Black Law Student Association (BLSA) won the Thurgood Marshall Mock Trial Southern Regional Competition in Cincinnati, Ohio.

Jackie Alexander, of Pewee Valley, Ky., **Michelle Duncan**, of Louisville, Ky., **Shawn Garner**, of Sand Point, Idaho, and **Laquita Stokes**, of Memphis, Tenn., represented UK to defeat a competitive field of teams from prestigious law schools to clinch the title. Local attorney and UK College of Law graduate **Robert Houlihan, Jr.**, '74 coached the team to victory. Houlihan is a partner with Savage Elliott Houlihan Moore Mullins & Erdmann.

Trial Advocacy Team sweeps regional tournament

Both teams from the UK College of Law National Trial Team defeated competition from 26 teams to sweep the Seventh Region Trial Advocacy Tournament held Feb. 15-17 at University of Dayton School of Law. Team members were **Charnel Burton**, of Beattyville, Ky., **Justin Peterson**, of Lexington, **Katherine Paisley**, of Lexington, and **Adam Spicer**, of Flora, Miss.

2007

**HALEY MARTIN DICKERSON**

is a member of the Stites & Harbison Lexington, Ky. office. She is with

the intellectual property & technology service group. Prior to joining Stites & Harbison, Dickerson was a judicial intern to Judge Gary D. Payne, Fayette Circuit Court Second Division; a research assistant with Alston & Bird LLP in Atlanta; an intern at The White House, Office of Vice President Cheney, Legislative Affairs in Washington, D.C.; and an intern with the Office of the Hon. Sonny Callahan, U.S. House of Representatives, in Washington, D.C.

**STEVEN M. HENDERSON**

is a member of the Stites & Harbison Louisville, Ky. office. He is with

the construction service group. Prior to joining the firm, Henderson was a geotechnical engineer with the Kentucky Transportation Cabinet.

**ASHLEY A. RYAN**

joined Fowler Measle & Bell PLLC. Her primary area of practice will be in corporate and

commercial litigation, bankruptcy, and business planning.

**VALORIE D. SMITH**

is a member of the Stites & Harbison Lexington, Ky. office. She is with the creditors'

rights & bankruptcy service group and the torts & insurance

practice service group. Prior to joining the firm, Smith served a judicial internship with Hon. Gary D. Payne, Fayette County Circuit Court, was a juvenile post-disposition law clerk for the Commonwealth of Kentucky, Department of Public Advocacy and a court designated worker for the Kentucky State Administrative Office of the Courts.

**DAVID M. STOUT**

is a member of the Stites & Harbison Frankfort, Ky. office. He is with the business litigation

service group. Prior to joining the firm, Stout was law clerk to James T. Harris, Esq.

**K. KELLY WHITE**

is a member of the Stites & Harbison Louisville, Ky. office. She is with the business litigation

service group and the health care practice group. Prior to joining the firm, White completed a judicial internship with the Fayette District Court.

COLIN L. WIER joined Wood, Herron & Evans LLP. He concentrates in electrical technologies.

2006

MARIA GALL joined the litigation group at Cadwalader, Wickersham & Taft in New York, N.Y. following her one-year clerkship with U.S. District Judge Charles R. Simpson III of the Western District of Kentucky.

**CHRISTOPHER B. LAMBERT**

joined Sands Anderson Marks & Miller in Blacksburg, Va. He is with the workers' compensation practice group.

2005

JAMES HERALD is general counsel for Big Sandy Health Care, Inc. in Prestonsburg, Ky.

2004

AMY C. EASON, an associate in the Woodward, Hobson & Fulton, LLP, Lexington, Ky. office, has been elected to the Board of Directors of the Fayette County Bar Association. She practices primarily in the areas of product liability and general insurance defense. Eason is President of the Fayette County Bar Association Young Lawyers' Section and a member of DRI.

2002

**JILL SUWANSKI**

is an associate at Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, in Nashville, Tenn. She

is in the firm's corporate practice group and focuses her practice in the area of franchise law.

2001



LATOI MAYO was selected as the recipient of this year's Outstanding Young Lawyer Award by the

Kentucky Bar Association. She served as co-chair of the CLE Committee for the 2008 KBA Convention. Mayo is a member of the labor and employment service team at Wyatt, Tarrant & Combs, LLP, where she concentrates in labor & employment, and immigration law.



Phillip E. Walker has been named a Shareholder of the law firm of Waddey & Patterson, PC. He focuses his practice

on patent and trademark prosecution, with a special emphasis on the evaluation and protection of complex patent technologies. He currently serves as Treasurer on the Executive Board of the Young Lawyers Division of the Nashville Bar Association. He is a member of the Intellectual Property Section and the Young Lawyers Division of both the Tennessee and American Bar Associations and is a member of the Tennessee and the American Intellectual Property Law Associations.

2000

MIKE SHULL joined Ballard Spahr Andrews & Ingersoll in Denver, Co.



ELLEN ARVIN KENNEDY joined Fowler Measle & Bell PLLC. She is a member of the firm's bankruptcy and

litigation groups and concentrates her practice on commercial bankruptcy, insolvency and creditor's rights. In May 2008, Kennedy was named 2008 Outstanding Young Lawyer by the Fayette County Bar Association.



MICKEY T. WEBSTER has been named partner at the Wyatt, Tarrant & Combs, LLP, Lexington, Ky. office. Prior to joining the

firm, he served as a law clerk in the Sixth Circuit Court for Judge Eugene E. Siler, Jr.



LONA J. VENTERS VALENTINE was elected to the partnership of Peck, Shaffer & Williams LLP, headquartered in

Cincinnati, Ohio. She is a member of the firm's tax and financial analysis department.

1998

DONALD "DONNIE" E. MARTIN has become partner at Powell Goldstein in Charlotte, N.C.

1997

SADIQA N. REYNOLDS, assistant director of public works and assets with Louisville Metro Government, has been named Inspector General for the Cabinet for Health and Family Services (CHFS). Prior to her position with Louisville Metro Government, Reynolds served as chief of staff of the Louisville Metro Public Health and Wellness Department. Her experience also includes private practice and positions as assistant district defender in the Jefferson District Public Defender's office and chief law clerk for Chief Justice Robert F. Stephens.

1996

LAURA A. D'ANGELO, a partner at the Wyatt, Tarrant & Combs, LLP, Lexington, Ky. office, was appointed by Lexington Mayor Jim Newberry to serve on the Lexington-Fayette Urban County Government Ethics Commission. D'Angelo was nominated by the Lexington Chamber of Commerce, where she currently serves as a Board Member.

1995

NEIL FAIRWEATHER, along with a colleague, opened a new

firm, Fairweather & Jackson, LLC, in downtown Cincinnati, Ohio. Fairweather and his partner, Brian S. Jackson, will focus on representing a variety of businesses in both the transactional and litigation context. Fairweather has practiced in the areas of bankruptcy, reorganization, corporate finance and general commercial litigation.

1994



LAURIE K. DUDGEON has been named deputy director of the Administrative Office of the Courts. She

began serving as an attorney with the Justice and Public Safety Cabinet in 2005 and assumed her current position in October 2006 when Gov. Fletcher named her executive director of Kentucky's Office of Drug Control Policy. Prior to her work with the Justice Cabinet, Dudgeon was in private practice for 11 years where she concentrated on constitutional law, employment law, administrative law, and commercial and residential real estate law.

GUY E. HUGHES, an associate at the Woodward, Hobson & Fulton, LLP, Lexington, Ky. office, has been elected to the Board of Directors of the Fayette County Bar Association. His practice areas include product liability, railroad, including FELA and non-FELA matters as well as general insurance defense. Hughes has tried and defended cases throughout Kentucky in both state and federal courts.



KEVIN WEAVER is member with Sturgill, Turner, Barker & Moloney, PLLC. After receiving the 2006 KBA Outstanding Young Lawyer Award and the

Fayette County Bar Association's 2006 Outstanding Citizen-Lawyer Award, Weaver was named a 2007 Kentucky Super Lawyer by *Law & Politics* magazine.

1993

THOMAS BARTRUM is a partner in the health care practice of Drinker, Biddle & Reath in Washington, D.C. He practices exclusively in the areas of federal health care law, Medicare reimbursement and health care transactions. In May 2007, he was named one of twelve outstanding health care fraud and compliance lawyers for 2007 according to *Nightingale's Healthcare News*.



BRIAN F. HAARA was named one of Louisville's "Forty Under 40" by *Business First*. Brian is a member of the Louisville, Ky. law firm Tachau Meek PLC, which he helped found in July 2007.

1992

KATHLEEN O'NAN DAVIS is the executive director of the Colburn Earth Science Museum in Asheville, N.C. Prior to joining the Colburn, Davis worked for four years at the *Asheville Citizen-Times* as the business editor and community publications director.

1991



ANNE E. GORHAM, member of the Stites & Harbison Lexington, Ky. office, was inducted as a Fellow of the American College of Construction Lawyers (ACCL).

Gorham joined Stites & Harbison in 1991 and became a member in 2000. Her practice focuses entirely on construction contract drafting, negotiation and dispute resolution. She is listed in *The Best Lawyers in America® 2008* and the 2007 *Kentucky Super Lawyers* magazine, where she is also listed among the Top 25 Women Lawyers in the state.

1990

STEPHEN H. JETT was appointed to the Board of Directors of the Federal Bar Association, Northern District of Ohio Chapter.

1989



TERESA CULVER joined Miller & Martin in Nashville, Tenn. She will work with the firm's health care and labor & employment practice groups to focus in the area of health law. Culver will also focus on labor and employment law, advising health care employers.

1986

ELIZABETH ULMER MENDEL, an attorney in the Louisville, Ky. office of Woodward, Hobson & Fulton, LLP, was selected by her peers for inclusion in *The Best Lawyers in America®*, 2008 edition, in the area of legal malpractice law.

1985

LINSEY W. WEST, an attorney in the Lexington, Ky. office of Woodward, Hobson & Fulton, LLP, was selected by his peers for inclusion in *The Best Lawyers in America®*, 2008 edition, in the area of personal injury litigation and railroad law.

1983



DAVID KRAMER, a partner with Deters, Benzing & LaVelle, P.S.C. in Crestview Hills, Ky. has been elected to

the Kentucky Bar Association Board of Governors, representing the Sixth Supreme Court District. Kramer has been with DBL since 1986. He practices primarily in the areas of health-care law and medical malpractice defense.

SHIRLEY WIEGAND, Professor Emerita Marquette University Law School, has been traveling the country promoting a book co-authored with her husband, "Books on Trial: Red Scare in the Heartland" (University of Oklahoma Press, 2007). She currently resides in Tallahassee, Fla.

1982

SARAH M. JACKSON, executive director of the Kentucky Registry of Election Finance, is president-elect of the Council on Governmental Ethics Laws (COGEL). Jackson will serve as president of COGEL at the conclusion of the 2008 calendar year.

1980



MACK J. MORGAN III, director of Crowe & Dunlevy, was inducted into the Litigation Counsel of America at the LCA's Spring Conference and Induction of Fellows in New York. Morgan concentrates his practice in the litigation of complex business and commercial transactions.

UK Law grad becomes the 5th chief justice in Kentucky history



"I'm proud to have my degree from UK. I enjoy the association I have not only with my contemporaries but those who came before and after. I'm also proud because I see that the College continues to produce some of the finest lawyers that I have worked with and who appear before the courts."

—Chief Justice John D. Minton, Jr.
Kentucky Supreme Court

Justice John D. Minton, Jr. '77 was sworn in as chief justice of Kentucky on June 27, 2008. He was joined by his wife and children at the formal investiture service which took place in the Supreme Court Courtroom at the state Capitol in Frankfort. He represents the 2nd Supreme Court District, which consists of 14 counties in Western Kentucky.

As executive head of the statewide judicial system, Chief Justice Minton will oversee the Administrative Office of the Courts in Frankfort and the 4,000 statewide employees of the Kentucky Court of Justice, including elected justices, judges and circuit court clerks. He will also propose a biennial budget to the General Assembly and execute the Judicial Branch budget. The seven justices are elected from seven appellate court districts and serve eight-year terms. The Kentucky Constitution

provides that the Supreme Court justices elect one of their fellow justices to serve as chief justice for a term of four years.

Student, Alum, Chief Justice

Chief Justice Minton earned a bachelor's degree with honors in history and English from Western Kentucky University in 1974 and a law degree from the University of Kentucky College of Law in 1977. "As an undergrad at Western Kentucky University, my advisor was William Bivin, a 1957 UK Law grad, and also the university attorney at Western," said Minton. Bivin taught insurance at UK before taking a position at WKU. "Bill Bivin was instrumental in directing me toward UK," said Minton. "He followed me through my time as a student and once I was out in practice we were good friends." Along with Bivin's encouragement, Minton came to UK Law in the fall of 1974 because, "It had an outstanding reputation for training lawyers who practiced around the state. My plans were to practice law in Kentucky," said Minton.

Minton practiced law in Bowling Green for nearly 15 years before he was elected to the Circuit Court bench. He was a circuit judge from 1992 to 2003 for the 8th Judicial

Circuit before being elected to the Court of Appeals. From 1996 to 2003, he also served by special appointment of the late Chief Justice Robert F. Stephens '51 and Chief Justice Lambert as chief regional judge for the Green River Region.

While on the circuit bench, Minton was recognized by the Kentucky Court of Justice for his leadership in forming the Warren County Drug Court and for his commitment to law-related education programs. In 2003, the Kentucky Bar Association honored him with its Outstanding Judge Award. He is also a graduate of the National Judicial College.

Chief Justice Minton was elected to the Supreme Court of Kentucky in November 2006 to represent the 2nd Supreme Court District. Prior to his appointment to the Supreme Court, Justice Minton served as a judge for the Kentucky Court of Appeals, representing the 2nd Appellate District. He was elected to the Court of Appeals in November 2003 and served there until his appointment to the Supreme Court in July 2006.

Chief Justice Minton is a member of Broadway United Methodist Church in Bowling Green. He serves on the board of the Student Life Foundation at Western Kentucky University. He is also a member and past president of the Bowling Green Rotary Club and a former member of the board of directors of Shakertown at South Union.

Originally from Cadiz, Ky., Chief Justice Minton grew up in Bowling Green where he continues to reside. He is married to Susan Page Minton, a Bowling Green native. They have a daughter, Page Sullivan Minton, and a son, John D. Minton III. •

OTHER GRADUATES ON THE KENTUCKY SUPREME COURT

Justice Bill Cunningham, '69
Justice Mary C. Noble, '82
Justice Wil Schroder, '70
Justice Daniel J. Venters, '75

1978

RAYMOND J. STEWART joined Thompson Coburn, LLP, in Washington, D.C., as a partner in the corporate and securities, government contracts and tax practice groups. He served as an Adjunct Professor in the Georgetown University Masters of Tax Program for many years, where he taught U.S. Taxation of International Operations.

U.S. District Court Judge **JENNIFER COFFMAN** became the first woman to be named chief judge of a federal court in Kentucky. In 1993, she was the first woman to be appointed to the federal court in Kentucky. She serves in both the Western District, based in Louisville, and the Eastern District of Kentucky, based in Lexington.

1977

RICHARD H. C. CLAY, an attorney in the Louisville office of Woodward, Hobson & Fulton, LLP, was selected by his peers for inclusion in *The Best Lawyers in America*®, 2008 edition, in the area of commercial litigation and personal injury litigation.



JUSTICE JOHN D. MINTON, JR. was sworn in as Kentucky's fifth chief justice. As chief justice, he will serve

as executive head of the Kentucky judicial system and oversee the 4,000 statewide employees of the Kentucky Court of Justice.

1976

ROBERT W. FLEMING, an attorney in the Lexington office

of Woodward, Hobson & Fulton, LLP, was selected by his peers for inclusion in *The Best Lawyers in America*®, 2008 edition, in the area of trusts & estates.

DAVID Y. OLINGER JR., is serving as the 2007–2008 Governor in Kentucky–Tennessee Kiwanis District.

1975

DANIEL JOSEPH VENTERS, a former Circuit Court judge, was appointed to the Kentucky Supreme Court by Governor Steve Beshear '66 to fill a seat left vacant by Chief Justice Lambert's retirement in June. The sole candidate on the November ballot, Venters will remain a justice for the 3rd Supreme Court District, comprised of 27 south-central Kentucky counties.



JOE ZALUSKI, a partner at the Wyatt, Tarrant & Combs, LLP, Lexington, Ky. office, has been

elected to the Board of Directors of the Kentucky Coal Association. Zaluski is Co-Chair of the Firm's Natural Resource & Environmental Service Team. He concentrates his practice in the areas of environmental regulation and litigation including administrative and mineral practice.

1972



MICHAEL W. HAWKINS, a partner at Dinsmore & Shohl LLP, was named a Fellow in The College of Labor and Employment Lawyers.

1971



JOSEPH H. TERRY, a Partner at Dinsmore & Shohl LLP, was selected to join the World Games 2010

Foundation, Inc. Board. Terry practices in sports marketing, general business, corporate law and mergers and acquisitions; he is listed in *The Best Lawyers in America*®, and Law & Politics named him a Kentucky Super Lawyer in 2007.



WILLIAM T. "BILL" ROBINSON III, a Member-In-Charge of the new Frost Brown Todd office in Northern

Kentucky, has been unanimously elected to serve a three-year term on the Board of Directors of the Taft Museum of Art. Robinson is a member of FBT's litigation department and management team where he chairs the firm's Strategic Planning and Expansion Committee.

1969

GLEN S. BAGBY, a partner in the Lexington office of Woodward, Hobson & Fulton, LLP, was selected by his peers for inclusion in *The Best Lawyers in America*®, 2008 edition, in the area of family law and trusts & estates.

1963

H. HAMILTON "CHIP" RICE, a senior attorney of Lewis, Longman & Walker, P.A., was honored as one of Florida's Super Lawyers 2007 in the Government/Cities/Municipalities category.

CAROL TORRENCE MATTHEWS

died on May 16, 2007 after a long illness. Her husband William L. Matthews, Jr. was a member of the faculty of the University of Kentucky College of Law and served as Dean from 1956-71. A graduate of the Bowling Green Business University in Bowling Green, Ky., she and her husband traveled extensively and were members of the Lexington China Study Group, one of the first groups of American tourists allowed to visit China in 1976. She was founder of one of the first women's investment clubs, a founding member of Baby Health Services, and past Board Member of the Lexington Deaf Oral School. An avid Democrat, Mrs. Matthews was involved in many political campaigns over the years. Mrs. Matthews was a generous friend to the UK College of Law, students, staff and faculty.

1986

JAMES ALEXANDER "ALEC"

MACKENZIE, died Thursday, February 21, 2008 after a long struggle with heart and kidney ailments. After graduating from UK Law, he took an attorney position with the Kentucky Environmental and Public Protection. He served as the attorney manager for the litigation section at the time of his death. Mr. MacKenzie successfully guided the cabinet's efforts to secure the reclamation of hundreds of permits coming from the bankruptcy of the two largest coal companies in the nation. His expertise in bankruptcy law was recognized across the nation. He spoke to attorney groups for the last 14 years about bankruptcy laws. He enjoyed studying martial arts and held a 5th degree black belt in Chito-Ryu Karate. Mr. MacKenzie was an avid reader who enjoyed time with his friends.

1985

J. CARLETON BOWLING died on November 2, 2007 in Bakersfield, California, following a brief illness.

1970

JOHN MYER JR. died on June 20, 2008. After six weeks in the hospital with the flu and problems associated with an erratic heartbeat, he passed away the morning he was to be released from the hospital. Mr. Myers loved fishing and hunting. His wife, Dr. Myers said that Mr. Myers "never had an enemy and never met a stranger". He was from Mayfield, Ky.

1969

GEORGE EMMETT MCCALL died December 11, 2007. McCall was a member of the General Staff of the U.S. Army's First Signal Brigade in Vietnam where he was awarded the Bronze Star with Oak Leaf Clusters. He was honorably discharged with the rank of Captain. He was a partner in the law firm of Bell, Davis and Pitt. He served as president of Reynolda Rotary Club, Forsyth Country Club, the Nature Science Center, Piedmont Wind Symphony and the PTA's of Whitaker Elementary and R. J. Reynolds High Schools. He also served on the boards of Cancer Services, the Youth Opportunity Homes, Piedmont Craftsmen and the Boy Scout Troop Committee at Centenary Methodist Church. He was a long time member of First Presbyterian Church.

1967

J. ALAN LIPS died January 6, 2008. Lips, a retired partner with the firm of Taft, Stettinius & Hollister, was a labor and employment

lawyer for 37 years, argued two cases before the Supreme Court and cases before six of the 13 U.S. Circuit Courts of Appeals. He was named an "Ohio Super Lawyer" by *Cincinnati Magazine* and *Law & Politics* magazine. He also was listed in Woodward/White's "The Best Lawyers in America," and in "Chambers USA: America's Leading Business Lawyers." Lips was on the board of directors of the Cincinnati Law Library, and Deaconess Hospital.

1959

Former House Judiciary Chairman **GROSS CLAY LINDSAY** died June 25, 2008, at his home of natural causes. He was a law firm partner, Korean War Air Force veteran and member of First Baptist Church. Lindsay entered the General Assembly in 1970 from the state's 11th House District. He served as a state representative from 1970 through 1980 and from 1993 through 2006. He was a key figure in modernizing the state's court system and changing criminal laws. Lindsay, who left the legislature in 2006, was known for his keen intellect and love of the law.

1958

JOSEPH EVERSOLE JOHNSON

III, died on March 28, 2008.

Johnson was an Air Force Korean War veteran. He practiced many years of law and was involved in the coal business and thoroughbred horse industry. He was elected Kentucky State Representative and later served as Fayette County Judge.

Why do we give to the College of Law?
So that others can enjoy their
careers as much as we do.

BILL CULL, 1977

My childhood ambition:

To be like Mickey Mantle
and James Bond

My first job:

Fry Cook at Hops Drive-In

My retreat:

Walking and my wine cellar

My favorite song:

Sympathy for the Devil

My favorite faculty member:

Biff Campbell

**My childhood lesson that still
applies as an adult:**

Working as hard as you
can at whatever you're
doing will pay dividends

MARIE ALAGIA CULL, 1979

My childhood ambition:

To be a lawyer

My first job:

Babysitting

My retreat:

My home and gardens

My favorite song:

Here Comes the Sun

My favorite faculty member:

Bob Lawson

**My childhood lesson that still
applies as an adult:**

Don't worry about
the other guy

new alumni awards

The College of Law Alumni Board of Directors has established four awards to honor graduates who have distinguished themselves by their contributions to the practice of law and service to their communities.

Learn more about these alumni awards at www.uky.edu/Law/alumni/alumniawards08.html

DISTINGUISHED JURIST AWARD: The Honorable

John G. Heyburn, II '76

This award is given to the individual who has distinguished himself or herself through a contribution of outstanding service to the legal profession.

PROFESSIONAL ACHIEVEMENT: Thomas J. FitzGerald '80

This award is primarily designed to recognize a particularly noteworthy accomplishment in a given year, but may also be given to one who has achieved and sustained an extraordinary level of excellence in a particular area of the law or their chosen field.

COMMUNITY SERVICE:

Kevin J. Hable '78

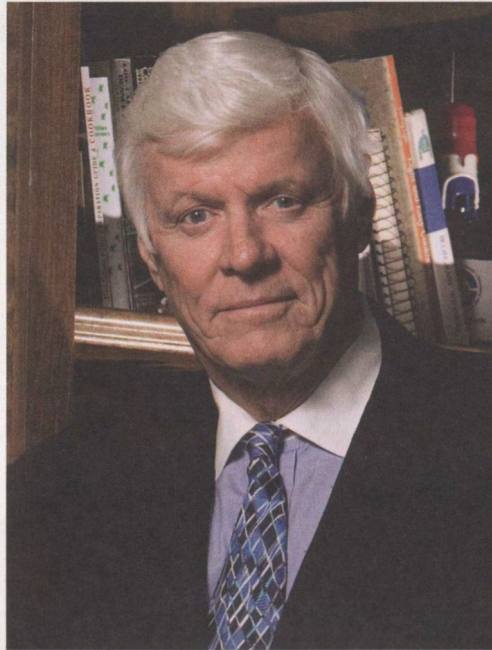
This award is given to a graduate who has provided outstanding leadership in his or her local community, state or nation, to aid and benefit causes not necessarily related to the legal profession.

YOUNG PROFESSIONAL:

Jennifer A. Moore '98

Charles M. "Trey" Grayson, III '97

This award is designated for individuals who graduated within the past 10 years and have distinguished themselves professionally in the community, or in some other fashion.



JOHN Y. BROWN, JR., Class of 1960, was the 55th governor of Kentucky. He received his BA from the University of Kentucky in 1957 and a JD in 1960 from the UK College of Law.

Brown became governor in his first political race, after a recognized career as a successful businessman. He established his reputation in the international business world when he turned Kentucky Fried Chicken, Inc. into one of the largest fast-food operations in the world. Brown served as President of the American Basketball Association

and owned the Kentucky Colonels. After the league was absorbed into the National Basketball Association, he became the owner of the Buffalo Braves before trading that team for the Boston Celtics.

Brown built the Pamela Brown Auditorium in honor of his sister. He made a matching gift of \$1 Million to build the downtown Louisville YMCA. He helped establish the Sanders-Brown Research Center on Aging at the University of Kentucky, in honor of Colonel Harland Sanders and his father, John Y. Brown Sr. In 2005, Brown was instrumental in opening the Muhammad Ali Center in Louisville, KY.

Brown's involvement with the Democratic Party began when he was named as vice-chairman of John F. Kennedy's 1960 presidential campaign in Kentucky. In 1972 he served as honorary treasurer of the Democratic Party. Brown served as chairman of the Democratic National Telethon in 1972 and 1974.

While Governor, Brown received two of the nation's top awards for leadership achievement. In 1980 Brown received the American Academy of Achievement Award and Encyclopedia Britannica's prestigious National Award for Achievement in Life. In 1982 he was the recipient of the Father of the Year Award from the National Father's Day Committee. In 1983, the National Democratic Party named him Democrat of the Year. •



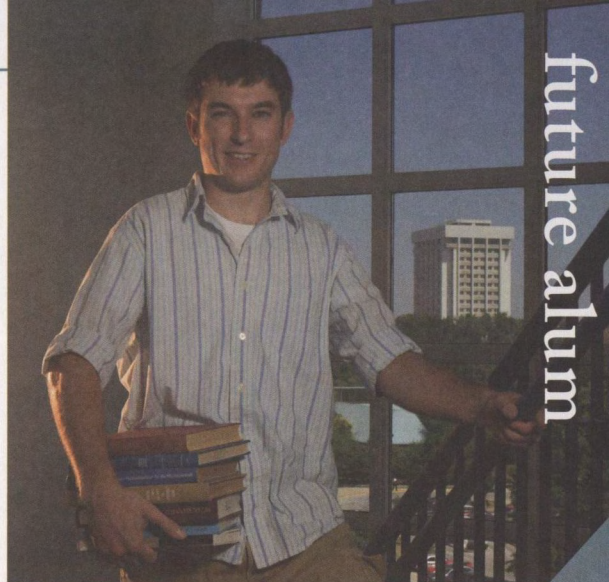
JANE E. GRAHAM, Class of 1976, received her BA from Smith College, magna cum laude, in 1959 and her JD from the University of Kentucky College of Law in 1976. After a clerkship and service with the Lexington-Fayette Urban County Law Department, she joined the United States Attorney's Office for the Eastern District of Kentucky in 1978, where she remained until her retirement in 2002.

During her 14 years as a prosecutor, she handled major public corruption and financial fraud cases. In recognition of her work in the bank fraud arena, she was appointed to the U.S. Department of Justice Economic Crime Task Force. As head of the Drug Section, where she was instrumental in establishing the Central Kentucky Drug Task Force and the Organized Crime Drug Task Force for the Eastern District of Kentucky, she prosecuted the conspirators in the largest methamphetamine lab ever seized by the U.S. Drug Enforcement Administration. For the remainder of her 22 year tenure with the U.S. Attorney's Office, she headed the Civil Division.

In 2001, she was awarded the U.S. Attorney Executive Office Director's Award for Executive Achievement. Post retirement, Ms. Graham joined the law firm of Henry Watz Gardner & Sellars, PLLC, in an of counsel capacity, concentrating in the areas of mediation and civil litigation.

Ms. Graham served three terms on the Kentucky Bar Association's Board of Governors, was a trustee of the KBA IOLTA Foundation, and is a past president of the Kentucky Chapter of the Federal Bar Association. She served a term as Treasurer on the board of the UK College of Law Alumni Association and has been "senior advisor" to the Fayette County Bar Association Board of Directors. She participates with CLE programs and the College of Law.

Ms. Graham's civic activities have included membership on the Board of Directors of the Central Kentucky Human Rights Commission, and Chair of the Central Kentucky Chapter of the ACLU. She is a founding member and General Counsel for the Women's Network – Advocates for Democratic Principles. •



RYAN QUARLES, a second-year law student at UK's College of Law, has been awarded the Zuckerman Fellowship from Harvard University. The Zuckerman Fellowship provides full tuition plus a \$30,000 stipend for a one-year graduate program. Only 25 are awarded annually and are geared toward students entering public service who are pursuing a professional degree along with one of Harvard's education, public health or government programs.

Quarles will pursue a graduate degree in higher education, focusing on postsecondary legal and funding issues as well as other contemporary topics. The fellowship gives him the opportunity to take classes at Harvard Law School and the John F. Kennedy School of Government.

Quarles, from Georgetown, grew up on his family farm. He is a graduate of UK, completing a triple-major undergraduate degree, a master's degree in diplomacy from the Patterson School and a master's degree in agricultural economics from the College of Agriculture.

Despite opportunities to pursue his legal education elsewhere, Quarles decided on UK. "UK is the premiere school in Kentucky. I knew I wanted to practice in Kentucky and my classmates will be the people I work with." —Heather N. Russell

Building for our second century

THE CENTENNIAL CAMPAIGN OF THE UNIVERSITY OF KENTUCKY COLLEGE OF LAW

On May 19, 2007, the College of Law embarked on its most ambitious fundraising endeavor ever. Named "The Centennial Campaign," this effort is focused on securing \$18,000,000 to be used to support the construction of our new home and the academic endeavors our students and faculty.

The Centennial Campaign's primary objective is to secure \$15,000,000 for the construction of the new Law Quad. Additionally, the College seeks \$2,000,000 for student scholarships and awards as well as \$1,000,000 for faculty and academic programs.

Looking toward our second century, the College seeks to become one of the nation's best public law schools and serve as a cornerstone of the University's efforts to become one of the country's top 20 public research universities. In order to realize this vision, we must continue our focus on high-quality students, faculty and academic and co-curricular programs. And we must address a significant impediment—our building.

In 2000, the College of Law began working with the University to plan for the new Law Quadrangle. A 3.3 acre site on Scott Street was chosen for the location of our new home. On the terminus of the Newtown Pike Extension, the Law Quad will be one of the first buildings encountered by visitors coming to the University of Kentucky campus from the North. It will be a landmark for UK and an inspirational home for the College of Law for generations to come. •

CENTENNIAL CAMPAIGN UPDATE

Toward overall goal: almost \$8 million
Toward overall student support: over \$3.4 million
Toward overall faculty/academic support: \$350,000
Toward goal for building: \$4.2 million



NEW LAW QUAD PLAN

The Quad will consist of six contiguous buildings, and is designed around green spaces which will become central to the life of the College community.

1. Library Building
2. Classroom Building: auditorium, practice courtroom
3. Commons: lounges, meeting areas, café
4. East Hall: Deans' Suite, offices,
5. Tower: conference rooms, faculty offices.
6. West Hall: Student Organizations Suite, Legal Clinic, Faculty Lounge and faculty offices.

THE CENTENNIAL CAMPAIGN COMMITTEE

Honorary Chair:

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UK Law helps to give home to one of its own



Rita Mays has been an integral part of life at UK Law for many years. She not only serves as a custodian for the college, she greets each person with a friendly smile. When the College of Law learned that Mays was receiving a house from Lexington Habitat for Humanity, faculty, staff and students wanted to pitch in to help Mays achieve her dream of becoming a homeowner.

UK Law partnered with Ashland, Inc., Webasto Roofing Company and Lexington

Habitat for Humanity to give a new home to Mays and her family.

"We were excited to participate in the actual building process, leaving a mark on Mays' new home much like she has on the College of Law," said Sarah Welling, Wendell H. Ford Professor of Law and coordinator of the college's efforts.

Mays and her family moved into their new home in August 2008.



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Bizarre love triangle: The Spending Clause, Section 1983, and Medicaid Entitlements

by Nicole Huberfeld, *Willburt D. Ham Associate Professor of Law*

The first two terms of the Roberts Court have indicated willingness to revisit precedent, even decisions that have been considered long-settled. The Supreme Court can signal intent both by the petitions for certiorari that it grants and those that it denies, but it appears that the Court is poised to reinterpret another area of jurisprudence: the private enforcement of conditions on federal spending against states through actions under 42 U.S.C. § 1983. The most recent precedent that speaks to the issue is *Gonzaga University v. Doe*, a 2002 decision that made it more difficult for individuals harmed by violations of federal laws to enforce statutory rights through section 1983 actions. Federal circuit and district courts have inconsistently and confusingly applied the *Gonzaga* framework, but the Rehnquist Court was uninterested in revisiting the rule after *Gonzaga* was issued.

Last term, however, the Roberts Court granted a petition for writ of certiorari in a Medicaid case that would have required that the Court revisit *Gonzaga*. Before it could be heard on the merits, the respondents voluntarily mooted the case, but petitions for certiorari regularly arise in similar Medicaid enforcement actions. Thus, the context in which *Gonzaga* could be revisited is the enforcement of Medicaid statutory entitlements via section 1983.

The sheer quantity of lower federal court cases could lead the casual observer to believe that Medicaid providers and enrollees have a firm foundation to enforce Medicaid entitlements through section 1983, but recent events reveal the fragility of the section 1983 enforcement mechanism.

Federal court decisions regarding enforcement of federal spending statutes through section 1983 exhibit hostility to enforcement actions by beneficiaries of federal spending programs. Changes in the Court's composition may allow this view, previously expressed as dicta, to become the prevailing rule. The juridical hostility to section 1983 actions is exacerbated by a divide in the circuits regarding application of *Gonzaga* to the Medicaid Act that narrows both patients' and healthcare providers' ability to enforce Medicaid entitlements. This divide is further complicated by a Seventh Circuit theory, adopted by a few circuits, that the phrase "medical assistance" in the Medicaid Act merely requires states to pay, not to provide care or services. Additionally, the Deficit Reduction Act of 2005 turns long-standing premises of Medicaid up-side down by allowing states to provide the "actuarial equivalent" of benefits that historically had been mandated by federal law and thus enforceable through section 1983.

Though Congress has supported Medicaid enrollees' access to federal courts (by blocking legislation that would have quashed section 1983 causes of action), Congress has never modified the Medicaid Act to include a federal action. Congress should do so; and it should consider an administrative remedy that would incentivize the Centers for Medicare and Medicaid Services to protect both Medicaid and its enrollees. With the number of uninsured at 47 million and growing, Congress should not continue to assume that the Court will be willing to smooth out these kinks. •

A stylized illustration of a hand holding a white rectangular sign. The hand is drawn with simple black outlines and is wearing a blue suit jacket with a white shirt cuff visible. The sign has the text 'KEEP US POSTED' in large, bold, black capital letters. Below this, in a smaller, handwritten-style font, it says 'Add your updates to Class Notes!'.

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